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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMIT GANDOTRA

Defendant.

No. CR 12-00614 RMW (HRL)

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
OCTOBER 25, 2012 THROUGH
DECEMBER 3, 2012, FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

On October 25, 2012, defendant Amit Gandotra made his initial appearance before the Honorable Howard R. Lloyd. Varel L. Fuller, Esq., appeared on behalf of the defendant. Assistant United States Attorney Matthew A. Parrella appeared for the government. Judge Lloyd ordered the parties to appear before United States Judge Ronald M. Whyte on December 3, 2012.

The parties request that the Court enter this order documenting the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from October 25, 2012 through December 3, 2012. The parties, including the defendant, stipulate as follows:

STIP. & ~~PROPOSED~~ ORDER
U.S. v. Gandotra, No. CR 12-00614 RMW (HRL)

FILED

OCT 31 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, October 25, 2012 through December 3, 2012, based upon the need for the defense counsel to investigate the facts of the present case. The government has provided discovery which the defense counsel needs to review and evaluate. Defense counsel needs time to evaluate what possible defenses and motions may be available to the defendant.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from October 25, 2012 through December 3, 2012.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from September 22, 2011 through September 29, 2011, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: October 31, 2012

/S/
VARELL L. FULLER
Attorney for Defendant Gandotra

DATED: October 31, 2012

/S/
MATTHEW A. PARRELLA
Assistant United States Attorney

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3 **[PROPOSED] ORDER**

4 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
5 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
6 U.S.C. § 3161, from October 25, 2012 through December 3, 2012 based upon the need for the
7 defense counsel to investigate further the facts of the present case, review the discovery that the
8 government has already provided and evaluate further possible defenses and motions available to
9 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
10 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
11 calculations the period from October 25, 2012 through December 3, 2012.

12 Accordingly, the Court further orders that the time from October 25, 2012 through
13 December 3, 2012 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. §
14 3161.

15 IT IS SO ORDERED.

16 DATED: 10/31/12

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19 HOWARD R. LLOYD
20 United States Magistrate Judge
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